

Appl. No. 09/784,234

REMARKS

Claims 60 and 69 are amended. Claims 60-64 and 66-72 are pending in the application.

Claims 60-64 and 66-72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunlop, U.S. Patent No. 5,590,389 in view of Weber, U.S. Patent No. 4,786,469. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 60-64 and 66-72 are allowable over Dunlop and Weber for at least the reasons that the references, individually or as combined, fail to disclose or suggest each and every limitation in any of those claims.

As amended, independent claim 60 recites a physical vapor deposition target consisting of an alloy of copper and one or more other elements selected from the group consisting of Sr, Ba, and Se. As amended, independent claim 69 recites a physical vapor deposition target consisting of copper having a purity of 99.9998% alloyed with a total concentration of other elements of from less than 1.0 at% to 0.001 at%, the other elements being selected from the group consisting of Sr, Ba, Sc and Se where at least one of Sr, Ba and Se are present. As set forth in applicant's previous response, Dunlop does not disclose or suggest an alloy comprising an element selected from Sr, Ba and Se. As further set forth in applicant's previous response, Weber specifically requires titanium and/or zirconium to be present for effective refinement of the alloys disclosed therein.

The Examiner indicates at page 7 of the present action that because claims 60 and 69 utilize the expression "consisting essentially of", these independent claims do not

Appl. No. 09/784,234

exclude the Ti and/or Zr required by Weber. Without admission as to the propriety of the Examiner's statements, claims 60 and 69 have been amended to adopt the closed transitional expression "consisting of". Accordingly, the one or both of Ti and/or Zr required by Weber is specifically excluded from independent claims 60 and 69. Because the recited combination of Dunlop and Weber does not disclose or suggest the claim 60 recited target consisting of an alloy of copper and one or more selected from the group consisting of Sr, Ba and Se, or the claim 69 recited target consisting of copper having a purity of 99.9998%, alloyed with elements selected from Sr, Ba, Sc and Se where at least one of Sr, BA, and Se are present, independent claims 60 and 69 are allowable over these references.

Dependent claims 61-64, 66-68 and 70-72 are allowable over Dunlop and Weber for at least the reason that they depend from corresponding allowable base claims 60 and 69.

For the reasons discussed above, pending claims 60-64 and 66 through 72 are allowable. Accordingly, the application is placed in condition for immediate allowance and action to that extent is respectfully requested.

Respectfully submitted,

Dated: January 16, 2004

By: Jennifer J. Taylor

Jennifer J. Taylor, Ph.D.
Reg. No. 48,711